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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 08/444,791 | 05/19/1995 | MANFRED BROCKHAUS | A947-US-DIV4/01017/40451C | 5613 |
| 37500 | 7590 | 08/11/2010 | | |
| AMGEN INC. LAW DEPARTMENT 1201 AMGEN COURT WEST SEATTLE, WA 98119 | | | EXAMINER SCHWADRON, RONALD B | |
| | | | ART UNIT 1644 | PAPER NUMBER |
| | | | MAIL DATE 08/11/2010 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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In re Application of :
Brockhaus et al :
Serial No.: 08/444,791 :Letter Concerning Petition Decision
Filed : 19 May 1995 :
Attorney Docket No.: 01017/40451C :

This letter is being sent to correct errors in a petition decision mailed 22 August 2007 and to clarify the record.

On 14 May 2007, Applicants petitioned the propriety to the restriction requirements in this application. The decision mailed 22 August 2007 relied upon an image file wrapper which mistakenly contained papers from an unrelated application dated as early as 11 March 1993. The petition decision made erroneous reference to papers which are not of record in this application. This error was brought to the deciding official's attention at an interview on 4 August 2010.

The documents dated 1993-1995 in the image file wrapper were promptly reviewed and the error corrected. On 4 August 2010, the Office closed out the mis-filed papers dated between 11 March 1993 and 19 May 1995, so they are no longer viewable in private PAIR or in the image file wrapper. Any text in the petition decision dated 22 August 2007 which refers to those papers is hereby withdrawn. The Office regrets any confusion, delay and inconvenience caused by this scanning error.

The instant application was filed 19 May 1995 as a Rule 60 divisional of 08/095,640 and was given serial number 08/444,791.

The petition decision mailed 22 August 2007 is maintained.

The restriction requirement mailed 25 January 2006 remains withdrawn.

The finality of the Office action mailed 12 March 2007 remains withdrawn.

It is noted that since the mailing of the 22 August 2007 petition decision, the examiner has mailed out the following actions:

- (1) Notice of non-compliant or non-responsive amendment concerning the drawings dated 16 November 2007.
- (2) Notice of non-compliant or non-responsive amendment concerning the drawings dated 6 August 2008.
- (3) Notice of non-compliant or non-responsive amendment concerning the claim amendments dated 27 May 2009.
- (4) A requirement for restriction mailed 25 November 2009 to elect between the pCD4Hgamma 1 and pCD4Hgamma 3 vector.

Because this application has been pending for more than five years and because only one substantive office action has been set forth in the last five years, the Examiner has been advised to treat this application as special and expedite its prosecution to conclusion. A Supervisory Patent Examiner will monitor the prosecution of the application to promote compact prosecution and expedited termination of the prosecution.

Applicants remain under obligation to timely respond to the Office action mailed 8 June 2010.

Should there be any questions about this decision, please contact Quality Assurance Specialist Julie Burke, by letter addressed to Director, Technology Center 1600, at the address listed above, or by telephone at 571-272-0512 or by facsimile sent to the general Office facsimile number, 571-273-8300.



George Elliott
Director, Technology Center 1600